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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,328	11/30/1999	SWAIN W. PORTER	003646.P009	1160

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/452,328

Applicant(s)

PORTER, SWAIN W.

Examiner

Kimberly D Flynn

Art Unit

2153

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-42.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's arguments are not persuasive.

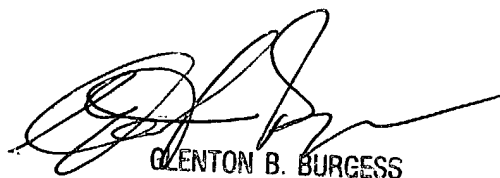
In considering claims 1, 21, 25, 35, and 39 Applicant contends that Niemi merely teaches the automatic augmentation of a retrieved information page with queries containing identified keywords as query parameters and points out cited sections of the Niemi reference e.g col. 5, line 26-64. Examiner disagrees with the Applicant's arguments and directs the Applicant to the col. 5, lines 8-17 and col. 6 lines 33-4. Niemi discloses wherein after automatic augmentation of retrieved information page the HTML code of the page is modified to introduce associated underlined hyper-links on-the fly, which may be clicked on by the user to request contents of the URL (additionally retrieved). It is clear from the cited sections that the retrieved information page contains hyper-linked keywords and that the cited section read on the following claim language " automatically assembling and augmenting the first information page being browsed with one or more information source identifiers (hyper-links) directly identifying one or more information pages with second contents that may be additionally retrieved.

Applicant agrees with the Examiner that the references passage disclosed dynamic modification of the original information page on the fly, however; Applicant contends that the modifications are augmentation of the information page with queries, not information source identifiers directly identifying additional information pages that may be retrieved, where the additional pages directly augment the original information page. Applicant acknowledges the cited section col. 6, lines 33-60, although clearly ignoring its contents, and directs the Examiner attention to the 70+ lines preceding the reference passage. The referenced passage and the paragraph that follows states that after modification the web page is returned with added hyper-links which the user may use to locate documents which are related to the downloaded page by clicking on the hyper-links added to the page to request contents of the URL. It is clear that the cited sections read on the claimed limitations therefore, the Examiner maintains the rejections of the previous action.

With respect to the arguments concerning claim 30, Applicant contends that the Examiner's response only addressed the secondary aspect of the Applicant's argument, missing the primary reason of patentability which is Niemi failed to teach "having the client system providing to the server the location information of the information page the client is retrieving". Applicant is directed to the cited passage of Niemi at col. 4, lines 2-9 wherein Niemi clearly discloses that a user requests the downloading of a Web page from the WWW by entering a URL (location information) which is relayed by the server to the WWW.

With respect to the arguments concerning claim 18, the Applicant contends that the Examiner did not address the Applicant's arguments at all. Examiner disagrees, the arguments and limitations of claim 18 are similar to those of claims 1, 21, 25, and 30, and therefore the same grounds of rejections and arguments are applicable.

In conclusion, the Applicant's arguments with respect to claims 1-42 are not persuasive, therefore the Examiner maintains the rejections of the previous action.


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